HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 896 OF 2007

DATED: 25.1.2007

Between:

N.V.S.R.Mohan Rao Son of Pitchaiah

.Petitioner

and

The District Collector, Krishna, Machilipatnam and others

...Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.896 OF 2007

ORAL ORDER:

The writ petition is premature and is based on an apprehension. The petitioner's land in an extent of Ac.2.38 cents in Sy.No.264/1A of Gampalagudem Village and Mandal, Krishna District is under acquisition. Pursuant to a proposal for acquisition, the 2nd respondent issued a notice calling for the petitioner's objections on 25-09-2006. According to the petitioner, no further proceedings have yet been pursued. He has received no notice on the award enquiry and contends that no award has yet been passed. While so, according to the petitioner the 3rd respondent is preparing pattas for distribution of the same to the beneficiaries, by the Honourable Chief Minister. Apprehending the distribution of pattas would result in deprivation of his possession and enjoyment of the land in question even before the due process under the Act is complied with, the writ petitioner is before this Court.

The law is very clear. Even if the pattas are distributed by the MRO or Honourable Chief Minister, title in the property will not pass to the beneficiaries unless the petitioner is divested of his title and the title vests in the State under the provisions of the Land Acquisition Act,1894. All ceremonies, or rituals performed by the State would be of no avail and cannot subvert the provisions of the Act. At any rate no pattas have yet been prepared and distributed to

any person. In the circumstances there is no justification for issuing any interdictory order. As and when such pattas are issued or distributed by any authority and before the State concludes the process of acquisition to a point whereby the title in the property vests in the State, the petitioner can approach this Court. Right now the position is moot and it affords no justification for interference.

There are no merits. The writ petition is dismissed at the stage of admission with a liberty to the petitioner to litigate when appropriate.

GODA RAGHURAM,J

25th JANUARY,2007
*TSNR